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EXAMINER

IDOWU, OLUGBENGA O

ART UNIT	PAPER NUMBER
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2425

NOTIFICATION DATE	DELIVERY MODE
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01/23/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary	Application No. 09/692,995	Applicant(s) JERDING ET AL.	
	Examiner OLUGBENGA O. IDOWU	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/20/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 123-158 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 123-158 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2008 has been entered.

Claim Rejections - 35 USC § 112

2. Claim 156 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim talks about a QAM modem; the claimed subject matter appears not to be supported by the specification.

Response to Arguments

3. Applicant's arguments filed 10/20/2008 have been fully considered but they are not persuasive.

The combination of White and Lewis still teach the independent claim which entails receiving a VOD, bookmarking the VOD and requesting retransmission of the

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VOD from the bookmarked position. White clearly teaches the transmission being on a bi-directional network in Fig. 1, 22.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 123 – 143, 147 – 149 and 157 – 158 are rejected under 35 U.S.C. 103(a) as being unpatentable over White, patent number: US 6 628 302 B2 in view of Lewis, WO 00/04726 A2.

As per claim 123, White teaches receiving via a tuner (Fig. 3, 60) in a set-top terminal (STT) (Fig. 1, 14) a video stream comprising a video-on-demand (VOD) presentation (Col. 2, lines 17 – 32; col. 3, lines 9 – 12 and 28 - 40), the video stream received over a bi-directional communication network from a server of a cable television (Fig. 1, 22); outputting by the STT a first portion of the VOD presentation as a television signal (col. 3, lines 66 – col. 5, line 27);

White does not teach receiving at the STT a first user input associated with bookmarking a visual scene of the outputted first portion;

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responsive to the first user input, storing in a memory of the STT information corresponding to the bookmarked visual scene without interrupting the VOD presentation;

receiving at the STT a second user input that follows the first user input, the second user input received during the VOD presentation following the first portion;

responsive to receiving the second user input, the STT requesting over a bi-directional communication medium the VOD presentation beginning from the bookmarked visual scene;

receiving at the STT the VOD presentation, the VOD presentation received from the server beginning from the bookmarked visual scene; and

outputting by the STT a second portion of the VOD presentation, beginning from the bookmarked visual scene, as a television signal

In an analogous art, Lewis teaches receiving a first user input associated with bookmarking a visual scene of the outputted first portion (page 6, line25 – page 7, line 5);

responsive to the first user input, storing in a memory of the STT information corresponding to the bookmarked visual scene without interrupting the video presentation (page 7, lines 6 - 29);

receiving a second user input that follows the first user input, the second user input received during the video presentation following the first portion;

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responsive to receiving the second user input, requesting the video presentation beginning from the bookmarked visual scene (col. 6, lines 11 - 20); receiving the video presentation, the video presentation beginning from the bookmarked visual scene; and outputting a second portion of the video presentation, beginning from the bookmarked visual scene, as a television signal (page 6, line 25 – page 7, line 5)

Therefore, it would have been obvious to one having ordinary skill in the art to modify the VOD playback system [10] and in particular the digital video apparatus or 'STT' [14] of White et al. to "receive a first user input associated with bookmarking a visual scene contained in the video presentation, including receiving a character sequence to be assigned to the visual scene while the video presentation is being presented to the user; storing information related to the visual scene in a memory of the STT responsive to receiving the first user input, including storing only in the memory of the STT information related to the visual scene in response to receiving the first user input, including storing only in the memory of the STT data corresponding to the character sequence in response to receiving the user input configured to assign the character sequence to the visual scene; outputting by the STT at least another portion of the video presentation as a video-on-demand television signal; receiving a second user input configured to request from the headend the visual scene in the video presentation after the STT has output the at least another portion of the video presentation; responsive to receiving the second user input, requesting by the STT that the headend send the video presentation

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beginning from the requested video scene; receiving by the STT from the headend the video presentation beginning from the requested video scene; and outputting by the STT a video-on-demand television signal comprising a portion of the video presentation starting from a location corresponding to the visual scene responsive to the second user input, wherein the location corresponding to the visual scene is identified by the STT using the information related to the visual scene, including using information related to the visual scene stored only in the STT" for the purpose of advantageously providing a method that allows the user to avoid the inconvenience of having to manipulate various keys in order to locate and start playback from a selected location within a video presentation (Lewis et al.: Page 2, Lines 4-14)

As per claim 124, the combination of White and Lewis teach wherein outputting the first portion corresponds to a time proximal to the beginning of the VOD presentation (Lewis: Presenting videos, col. 6, line 31 – col. 7, line 5).

As per claim 125, the combination of White and Lewis teach wherein outputting the second portion corresponds to a time proximal to the end of the VOD presentation (Lewis: Col. 6, line 31 – col. 7, line 5).

As per claim 126, the combination of White and Lewis teach wherein outputting the first and second portion comprises outputting during a single VOD session (Lewis: col. 7, lines 2 - 3).

As per claim 127, the combination of White and Lewis teach wherein outputting the first and second portions comprises outputting to a display device (col. 2, lines 17 – 32, col. 3, lines 9 – 12 and 28 - 40).

As per claim 128, the combination of White and Lewis teach wherein responsive to storing the information in the memory, providing by the STT feedback to a user that the bookmarking of the visual scene has occurred (Lewis: Fig. 4).

As per claim 129, the combination of White and Lewis teach wherein providing the feedback comprises providing the feedback without interrupting the VOD presentation (Lewis: col. 7, 22 - 25).

As per claim 130, the combination of White and Lewis teach wherein providing the feedback comprises overlaying a minority portion of a television screen being used to display the VOD presentation (Lewis: col. 6, lines 7 - 10).

As per claims 131, the combination of White and Lewis teach wherein providing the feedback comprises providing a banner or an icon (Lewis: col. 6, lines 7 - 10).

As per claim 142 wherein the method further comprises "receiving a plurality of user inputs configured to assign a plurality of respective character sequences corresponding

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to a plurality of respective visual scenes that were bookmarked responsive to a plurality of respective user inputs" (Lewis et al.: Page 8, Lines 30 -Page 8, Line 5)

As per claim 143, further comprising receiving a third user input corresponding to a request for one or more of the information corresponding to the bookmarked visual scene and providing the requested information responsive to receiving the third user input (Lewis: page 7, lines 2 - 3)

As per claim 147, further comprising providing by the STT an indication whether there are user-created bookmarks (page, 6, line 32 - page 7, line 1).

As per claim 148, White teaches a system, comprising:

a set-top terminal (STT) (Fig. 1, 14), comprising:

a tuner (Fig. 3, 60) configured to receive a video stream comprising a video-on-demand (VOD) presentation (col. 2, lines 17 – 32, col. 3, lines 9 – 12 and 28 - 40), the video stream received over a bi-directional communication network from a server of a cable television (Fig. 1, 22); a memory (Fig. 3, 40); and a processor (Fig. 3, 38) configured to: output of a first portion of the VOD presentation as a television signal (Fig. 3, 44);

White does not teach receiving at the STT a first user input associated with bookmarking a visual scene of the outputted first portion;

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responsive to the first user input, storing in the memory information corresponding to the bookmarked visual scene without interrupting the VOD presentation;

receive a second user input that follows the first user input, the second user input received during the VOD presentation following the first portion;

responsive to receiving the second user input, request over a bi-directional communication medium the VOD presentation beginning from the bookmarked visual scene;

receive the VOD presentation, the VOD presentation received from the server beginning from the bookmarked visual scene; and

outputting a second portion of the VOD presentation, beginning from the bookmarked visual scene, as a television signal

In an analogous art, Lewis teaches receiving a first user input associated with bookmarking a visual scene of the outputted first portion;

responsive to the first user input, storing in the memory information corresponding to the bookmarked visual scene without interrupting the video presentation (page 6, lines 1 – 10, page 6, line 25 – page 7, line 11, page 7, line 22 - 25, page 8, lines 13 - 18);

receive a second user input that follows the first user input, the second user input received during the video presentation following the first portion (');

responsive to receiving the second user input, request the video presentation beginning from the bookmarked visual scene;

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receive the video presentation, the video presentation beginning from the bookmarked visual scene; and

outputting a second portion of the video presentation, beginning from the bookmarked visual scene, as a television signal (page 6, lines 1 – 20, page 7, lines 1 – 5, page 7, lines 25 – page 8, line 13)

Accordingly, it would have been obvious to one having ordinary skill in the art to modify the VOD playback system [10] and in particular the digital video apparatus or 'STT' [14] of White et al. to "store information related to a visual scene contained in the motion video presentation only in the memory of the STT responsive to the STT receiving a first user input associated with the visual scene, without stopping output of the motion video presentation, wherein the first user input includes a character sequence to be assigned to the visual scene, and wherein the information related to the visual scene includes data corresponding to the character sequence, output at least another portion of the motion video presentation as a video-on-demand television signal, receive a second user input configured to request from the headend the visual scene in the video presentation after the STT has output the at least another portion of the motion video presentation, responsive to receiving the second user input at the STT, request that the headend send the motion video presentation beginning from the requested visual scene, receive from the headend the motion video presentation beginning from the requested visual scene, and output responsive to the STT receiving a second user input a video-on-demand television signal comprising a portion of the motion video presentation starting from a location corresponding to the visual scene, including using

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information related to the visual scene stored only [in] the memory of the STT, wherein the video-on- demand television signal comprising the portion of the motion video presentation starting from a location corresponding to the visual scene is output after the at least another portion of the motion video presentation is output as a video-on-demand television signal" for the purpose of advantageously providing a method that allows the user to avoid the inconvenience of having to manipulate various keys in order to locate and start playback from a selected location within a video presentation (Lewis et al.: Page 2, Lines 4-14)

As per claim 149, the combination of White and Lewis teach wherein the memory is configured to store the information as a bookmark, the bookmark comprising one or more bookmark attributes configured as a database record (Lewis: page 7, lines 6 - 11).

As per claim 157, the combination of White and Lewis teach further comprising a remote control device that communicates a user's commands to the STT (Lewis: col. 6, lines 25 - 28).

As per claim 158, the combination of White and Lewis teach wherein the remote control device comprises a designated bookmarking button (Lewis: col. 6, lines 25 - 28).

6. Claims 132 and 150 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, patent number: US 6 628 302 B2 in view of Lewis, WO 00/04726 A2 in further view of Sampsell, US 6 614 988 B1.

With regards to claims 132 and 150, the combination of White and Lewis does not teach wherein the information includes a default bookmark name that is user-configurable.

In an analogous art, Sampsell teaches wherein the information includes a default bookmark name that is user-configurable (col. 4, lines 53 – col. 5, line 11)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination White and Lewis by including a system such as the one in Sampsell's labeling system for advantages of making the system easier to interact with(Sampsell: col. 3, lines 35 - 38)

7. Claims 133 – 135, 146 and 151 - 152 are rejected under 35 U.S.C. 103(a) as being unpatentable over White, patent number: US 628 302 B2 in view of Lewis, WO 00/04726 A2 in view of Wang, patent number: US 6 501 902 B1.

In consideration of claims 133 – 135, 146 and 151 - 152, the combined references are silent with respect to further "storing an image corresponding to the visual scene in a memory of the STT responsive to the receiving the first user input". In an analogous art

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pertaining to television systems, the Wang reference discloses "storing an image corresponding to [a] visual scene in a memory..., responsive to receiving [a] first user input" corresponding to the establishment of a bookmark (Col 3, Lines 31-41). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to "store an image corresponding to the visual scene in a memory of the STT responsive to the receiving the first user input" for the purpose of provide a method for the user to simply and easily remember a bookmarked video scene (Wang: Col 1, Lines 51-60).

8. Claims 136 – 139 and 153 - 155 are rejected under 35 U.S.C. 103(a) as being unpatentable over White, patent number: US 6 628 302 B2 in view of Lewis, WO 00/04726 A2 in further view of Gibbon, patent number: 6 098 082.

With regards to claims 136 – 139 and 153 – 155, the combination of White and Lewis does not teach wherein the information includes a start time of the visual scene in relation to the beginning of the VOD presentation, comprises a chapter, duration.

In an analogous art, Gibbon teaches wherein the information includes a start time of the visual scene in relation to the beginning of the VOD presentation, comprises a chapter, duration (Fig. 4, col. 4, lines 28 – 38, col. 6, lines 4 - 22).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of White and Lewis by including a system as described in Gibbon's search and retrieval system for advantages of giving the user a better structural idea of the data

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being interacted with and a broader understanding of a specific part of the data as it relates to the whole.

9. Claims 140 – 141 are rejected under 35 U.S.C. 103(a) as being unpatentable over White, patent number: US 6 628 302 B2 in view of Lewis, WO 00/04726 A2 in view of Gibbon, patent number: 6 098 082, in further view of DeRose, patent number: 6 101 512.

As per claims 140 – 141, the combination of White, Lewis and Gibbon do not teach wherein the accessible starting point comprises a time and date that a user created the bookmark the accessible starting point comprises an identification of a user that created the bookmark.

In an analogous art, DeRose teaches wherein the accessible starting point comprises a time and date that a user created the bookmark the accessible starting point comprises an identification of a user that created the bookmark (col. 24, lines 15 - 34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of White, Lewis and Gibbon by including a system that tracks information about indexes/bookmarks for the advantages improving the system for a multi-user household and providing a monitoring avenue for system with under age users.

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10. Claims 144 - 145 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat No. 6,628,302 B2), in view of Lewis et al. (WO 00/04726 A2), and in further view of Dunn et al. (US Pat No. 5,861,906).

Regarding claims 144 and 145, taken in combination, the Lewis et al. reference discloses "prompting the user to provide input indicating whether the information is to be deleted from the memory of the STT" or alternatively allowing for the bookmarks to be saved and later called back up as required by the user (Page 7, Lines 1-11; Page 8, Lines 134-18). The combined references, however, are silent with respect to the particular step being performed 'after expiration of a rental access period corresponding to the video presentation'. In an analogous art pertaining to television systems, the Dunn et al. reference discloses a method for ordering and processing the rental of a video which 'expires' and may subsequently be reordered (Col 11, Lines 37-53). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teachings to comprise a 'expiration of a rental access period' for the purpose of providing a video-on- demand rental experience that is conveniently organized and familiar to a subscriber (Dunn et al.: Col 1, Lines 39-52). Subsequently, taken in combination, the particular step Such that "after expiration of a rental access period corresponding to the video presentation, prompting the user to provide input indicating whether the information is to be deleted from the memory of the STT" is met such that the user is spared the inconvenience of having to reestablish 'bookmarks' for a given presentation if so desired.

11. Claim 156 is rejected under 35 U.S.C. 103(a) as being unpatentable over White, patent number: US 6 628 302 B2 in view of Lewis, WO 00/04726 A2 in view of Poon, patent number: 6 671 328 in further view of Laborde, 5 790 940.

As per claims 156, the combination of White and Lewis teach a system that allows for receiving and bookmarking VODs.

The combination does not teach the data being transmitted by a headend that contains QAM and QPSK modem, wherein the QPSK modem is coupled bi-directionally and the QAM modem is coupled over the bi-directional network.

In an analogous art, Poon teaches data being sent through a QAM and a QPSK modem (Fig. 1, col. 5, lines 28 - 33).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of White and Lewis by including a system such as the one described in Poon's signal generation system for the advantages of providing signals that is suitable to be received by multiple kinds of receivers and optimal for the medium they are being sent over (col. 5, lines 41 - 50).

The combination of White, Lewis and Poon does not teach the modems connected to a bi-directional network.

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In an analogous art, Laborde teaches a modem being connected to a bi-directional network (col. 4, lines 5 - 14)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of White, Lewis and Poon by allowing the modems to communicate over a bi-directional network for the advantages of being able to get feedback from user or poll the user device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUGBENGA O. IDOWU whose telephone number is (571)270-1450. The examiner can normally be reached on Monday to Friday, 7am - 5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendelton can be reached on 571 272 7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olugbenga O Idowu/
Examiner, Art Unit 2425

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